

06-02-2004 16:25 From-MARTIN&FERRAROLLP

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OFFICIAL

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FACSIMILE TRANSMITTAL

TO:

Name: Group Art Unit: 3732

Firm: U.S. Patent & Trademark Office

Fax No.: 703-872-9306

Subject: U.S. Patent Application No. 09/497,590

Gary K. Michelson, M.D.

Filed: June 6, 2000

APPARATUS INCLUDING A GUARD
MEMBER HAVING A PASSAGE WITH A
NON-CIRCULAR CROSS SECTION FOR
PROVIDING PROTECTED ACCESS TO THE
SPINE (as amended)

Attorney Docket No. 101.0044-03000

Customer No. 22882

FROM:

Name: Thomas H. Martin, Esq.

Phone No.: 330-877-2277

No. of Pages (including this): 14


Date: June 2, 2004

Confirmation Copy to Follow: NO

Message:

CERTIFICATE OF TRANSMISSION UNDER 37 CFR 1.8

I hereby certify that the attached Transmittal Form (in duplicate; \$1,044.00 additional claims fee charged to Deposit Account No. 50-1066) and Amendment are being facsimile transmitted to the U.S. Patent and Trademark Office on June 2, 2004.


Sandra L. Blackmon

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FORM PTO-1083

Attorney Docket No.: 101.0044-03000
Customer No. 22882

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Gary Karlin Michelson, M.D.

Serial No: 09/497,590

Filed: June 6, 2000

For: APPARATUS INCLUDING A GUARD
MEMBER HAVING A PASSAGE WITH A
NON-CIRCULAR CROSS SECTION FOR
PROVIDING PROTECTED ACCESS TO THE
SPINE (as amended)

Art Unit: 3732

Examiner: (Unassigned)

Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Dear Sir:

Transmitted herewith is an Amendment in the above-identified application.

- ☐ No additional fee is required.
- ☐ Applicant hereby requests a ***-month extension of time to respond to the above office action.

The fee has been calculated as shown below:

	(Col. 1) CLAIMS REMAINING AFTER AMENDMENT		(Col. 2) HIGHEST NUMBER PREVIOUSLY PAID FOR		(Col. 3) PRESENT EXTRA*	LG/SM \$ ENTITY FEE	ADD'L FEE DUE
TOTAL CLAIMS FEE	78	-	20	--	58	LG=\$18 SM=\$9	\$ 1,044.00
INDEPENDENT CLAIMS FEE	2	-	3	---	0	LG=\$86 SM=\$43	\$ 0
FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIMS						LARGE ENTITY FEE = \$280 SMALL ENTITY FEE = \$140	\$ 0
						TOTAL	\$ 1,044.00

- * If the entry in Col. 1 is less than the entry in Col. 2, write "0" in Col. 3.
- If the "Highest Number Previously Paid For" IN THIS SPACE is less than 20, write "20" in this space.
- If the "Highest Number Previously Paid For" IN THIS SPACE is less than 3, write "3" in this space. The "Highest Number Previously Paid For" (Total or Independent) is the highest number found from the equivalent box on Col. 1 of a prior amendment or the number of claims originally filed.

- ☒ A fee in the amount of \$1,044.00 to cover the additional claims is to be charged to Deposit Account No. 50-1066.
- ☐ A check in the amount of \$___ to cover the ***-month extension of time fee is enclosed.
- ☒ The Commissioner is hereby authorized to charge any deficiencies of fees associated with this communication or credit any overpayment to Deposit Account No. 50-1066. A copy of this sheet is enclosed.
- ☒ Any filing fees under 37 C.F.R. § 1.16 for the presentation of extra claims
- ☒ Any patent application processing fees under 37 C.F.R. § 1.17

Respectfully submitted,
MARTIN & FERRARO, LLP

Date: June 2, 2004

By: 
Thomas H. Martin
Registration No. 34,3831557 Lake O'Pines Street, NE
Hartville, Ohio 44632
Telephone: 330-877-0700
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PATENT
Attorney Docket No. 101 0044 03000
Customer No. 22882

OFFICIAL

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)
Gary K. Michelson, M.D.)
Serial No.: 09/497,590) Group Art Unit: 3732
Filed: June 6, 2000)
For: APPARATUS INCLUDING A)
GUARD MEMBER HAVING A) Examiner: Unassigned
PASSAGE WITH A NON-)
CIRCULAR CROSS SECTION)
FOR PROVIDING PROTECTED)
ACCESS TO THE SPINE (as)
amended))

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

AMENDMENT

Please amend the application as follows:

Amendments to the Title begin on page 2 of this paper.

Amendments to the Claims are reflected in the listing of claims, which begins on
page 3 of this paper.

Remarks begin on page 11 of this paper.

Amendment 6-2-04

Application No. 09/991,579
Amendment dated June 2, 2004

Amendments to the Title:

Please replace the title with the following amended title:

--Apparatus Including A Guard Member Having A Passage With A Non-Circular Cross
Section For Providing Protected Access To The Spine~~For Inserting Spinal Implants - -~~.